

DIST.	OFF.	DOCKET	FILED DATE	J	N/S	O	PTF	DEF	23	\$ DEMAND	MAG. NO.	COUNTY	DEM.	YR. NUMBER
0425	5	84	5131	04	26	84	3	550	1	600	2511 M 2508	54019	84	5131

Case 5:84-cv-05131 Document 1 Filed 04/26/84 Page 1 of 2 PageID #: 1

SCANNED

PLAINTIFFS

ENGLAND, JOHN KEVIN

DEFENDANTS

FAYETTE COUNTY COMMISSIONERS, ~~VICKERS~~*
~~CHARLES M., LEEVLY~~*, JAMES E., ~~LOPEZ~~*,
 JOHN H., FAYETTE COUNTY SHERIFF
 MANNING, JACK

* Dismissed as per order entered 07/28/86.

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
 IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

dlh

28 USC 1983 - Prisoner Civil Rights Petition

ATTORNEYS

John Kevin England, #13547
 Huttonsville Correctional Center
 Box 1, Dorm 6
 Huttonsville, WV 26273

Anita R. Casey
 MEYER, DARRACH, BUCKLER, BEBENEK & ECK
 P.O. Box 3786
 Charleston, WV 25337
 344-5600

Date	Receipt No.	Amount
08-07-84	#9242	\$1.20 110173
09-17-84	#9284	\$1.20 110181
10-15-84	#9303	\$1.20 110188
11-19-84	#9332	\$1.20 110193
12-13-84	#9352	\$1.20 110198
01-21-85	#9384	\$1.20 370350

Pltf to pay 15% of annual wages, or
 \$14.40 in 12 monthly installments of
 \$1.20, payable on or before 10th day
 of each month

Installments on Filing Fee

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
	05-14-84	#6774 (\$1.20)	110161		
	06-15-84	#6797 (\$1.20)	110166	JS-5	
	07-06-84	#9216 (\$1.20)	110169	JS-6	

DATE	NR.		
<u>1984</u>			
Apr. 26	1	ORDER (CHH): Court waives \$45.60 of normal \$60.00 filing fee; remaining \$14.40, which equals 15% of Pltf's annual wages at Correctional Ctr., to be paid to Clerk in 12 monthly installments of \$1.20, payable on or before 10th of each month; Court conditionally grants Pltf leave to prosecute action <u>in forma pauperis</u> & directs U.S. Marshal for SDWV to serve copy of summons & complaint upon Defts. CC/Pltf & U.S. Marshal	dlh
	2	COMPLAINT; iss. orig. & 1 summs ret. 20 days on each Deft. to U.S. Marshal for service w/285 Form	dlh
May 8	3	RETURN of U. S. Marshal on summons & complaint. - Mailed 4/30/84 - Legal evidence of service 5/07/84.	fjd
May 14	4	U.S. MARSHAL'S RETURNS (3) on Defts., John H. Lopez, Charles M. Vickers, & James E. Lively - all mailed 4/30/84 & ACKNOWLEDGMENTS signed by said Defts. (all on 5-9-84)	dlh
May 22	5	MOTION of Defts. to Dismiss. NOTICE attached.	fjd
June 1	6	MOTION of Pltf to <u>NOT</u> DISMISS	dlh
Sept. 17	7	Pltf's INTERROGS. to Sheriff Jack Manning	dlh
Nov. 21	8	Deft., Jack Manning's, Answers to Pltf's Interrogs.	dlh
<u>1986</u>			
Jan 23	9	ORDER (EVH) reassigning case to Judge John Copenhaver. CC/COUNSEL.	cds
Feb 07	10	ORDER (2508): Referring action to US Magistrate Jerry D. Hogg pursuant to 28 U.S.C. 636(b)(1)(B); directing magistrate to review action and submit same to the court on/before 04/11/86. (EOD 02/10/86) cc: petitioner, counsel for deft, Magistrate Hogg	ras
Feb 19	11	MOTION by Defts to Dismiss, with notice and certificate of service attached.	ras
Feb 21	12	ORDER (25BB): Defts to file answer on/before 03/07/86; etc. (EOD 02/24/86) cc: pltf and atty for defts	ras
Mar 07	13	MOTION to Dismiss and ANSWER of Defts.	ras
Mar 17	14	MOTION by Pltf to Not Dismiss, with certificate of service attached.	ras
Apr 03	15	REQUEST by Pltf for Production of Documents. (cert/serv)	ras
Apr 07	16	REPORT-RECOMMENDATION by Magistrate Hogg. (cc: pltf and counsel via certified mail, Judge Copenhaver via hand delivery)	ras
Jul 28	17	MEMORANDUM ORDER (2508): Granting defts' motion to dismiss insofar as relating to defts (Vickers, Lively and Lopez); denying defts' motion to dismiss pursuant to Rule 41(b) of FRCP; directing pltf to submit to Clerk within 40 days of entry date of order the sum of \$7.20 representing the remaining payments in re filing fee. (EOD 07/29/86) cc: atys and petitioner	ras
Jul 28	18	JUDGMENT ORDER (2508): Entering judgment in accordance with memorandum order entered this dated. (EOD 07/29/86) cc: atys and petitioner	ras
Sept. 8	19	CLOSED ORDER (JTC) dismissing action w/prejudice - balance of filing fee not paid CC/Counsel & Petitioner (JS-6 card had been prepared closing the case on 7/28/86 per instr. from Chas. Div. where orig. docketing had been done for Judge Copenhaver - therefore, the case will not be reopened & closed for nonpayment of filing fee)	dlh